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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,422	08/15/2001	Peter Ar-Fu Lam	BPCODE2	1550
7590	01/23/2006		EXAMINER	
Peter Ar-Fu Lam 20104 Wayne Ave. Torrance, CA 90503			FISCHEITTI, JOSEPH A	
			ART UNIT	PAPER NUMBER
			3627	
DATE MAILED: 01/23/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/930,422

**Applicant(s)**

LAM, PETER AR-FU

**Examiner**

Joseph A. Fischetti

**Art Unit**

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) 1-5, 19-39, 41-48, 50 and 51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-18, 40 and 49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Election/Restrictions***

Applicant's election of claims 40,6-18 in the reply filed on 7/15/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Also since the last response failed to elect between 48-51, Applicant in a telephonic interview elected to prosecute claim 49. Thus, newly proposed claims 48,50,51 stand withdrawn, along with claims 1-5,19-39,41-47.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Spackova et al.

Spackova a method of processing a body profile (BP) code describing the physical dimensions of a human body to facilitate garment shopping, said method comprising the steps of: Spackova et al (1) defines m different physical dimensional parameters of said human body (the dimensional parameters are read as indicia segments 72; (2) measuring each of said m defined parameters a physical dimension of said body to

produce m values (the computer.. determines the difference between the viewed triangle and the base point of the base point equilateral triangle" (read as measuring because the difference is the physical dimension of the body being determined); and (3) processing said m values to produce a multiple digits BP code for representing said m values (the computer encodes for about 5-6 bits data related to the reference indicia (col. lines 57 et seq.). The feature of compressed code is an old expedient in the art, official notice is hereby taken of the use of compression data.

Claims 40, 6-18, 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spackova et al. in view of Powell. Spackova discloses as set forth above the invention substantially as claimed e.g. coding the data which is appurtenant to the dimension landmarks of the body being measured, but does not disclose a primary compressed n1 digits code and a supplemental n2 digits code for representing said m values and wherein said n2 digits code further comprises a n3 digits code for defining the nature or relationship of said n1 and/or n2 digits code. However, Powell does disclose the use of compressed (in packets) n1 and n2 independent digits to segregate data and further discloses cross correlation of the tags 12 using a code generator col. 9, lines 13 et seq. to define the nature or relationship between data bits. It would be obvious to modify the codes data of Spackova to include the n1 and n2 digit code feature of Powell and to compress same into packets as also taught by Powell and further to use one set to modify the other as taught by Powell's cross correlation feature, the motivation being

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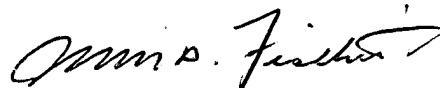
the efficient movement of small items of data through the system without need of cumbersome definitions.

Re claims: 6-12,15-18, 49, the application of what the n1 and n2 data strings do is a function of design and is not a patentable feature e.g., size chart for fitting purpose, enhance resolution, physical dimensional parameter, non-dimensional related information related to said human-body, out of range information of a parameter, quantization linearity of at least one of said parameters, an offset value to be processed with a size chart, the geographical origin of said BP code, and a decoding process.

Regarding claim 13 and 14, the recitation of n3 digits is deemed to be a mere repetition of parts answered by Powell's disclosure of n1 and n3 digits.

Re claim 49: if the length of a data string is too long it would be obvious to carry it over to the n2 digits and the recitation of for recommending a size indicated by said size chart is deemed a mere application of the data which is not deemed patentable.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number 571 272 6780.



Joseph A. Fischetti  
Primary Examiner  
Art Unit 3627